

**PLANNING COMMISSION OF MONTEREY PARK
AGENDA**

**REGULAR MEETING
Monterey Park City Hall Council Chambers
320 West Newmark Avenue**

**Tuesday
March 27, 2018
7:00 PM**

MISSION STATEMENT

**The mission of the City of Monterey Park is to provide excellent services
to enhance the quality of life for our entire community.**

Documents related to an Agenda item are available to the public in the Community and Economic Development Department – Planning Division located at 320 West Newmark Avenue, Monterey Park, CA 91754, during normal business hours and the City's website at www.montereypark.ca.gov.

PUBLIC COMMENTS ON AGENDA ITEMS

You may speak up to 5 minutes on Agenda item. You may combine up to 2 minutes of time with another person's speaking. No person may speak more than a total of 10 minutes. The Board Chair and Board Members may change the amount of time allowed for speakers.

Per the Americans with Disabilities Act, if you need special assistance to participate in this meeting please call City Hall at (626) 307-1359 for reasonable accommodation at least 24 hours before a meeting. Council Chambers are wheelchair accessible.

CALL TO ORDER

Chairperson

FLAG SALUTE

Chairperson

ROLL CALL

Larry Sullivan, Delario Robinson, Theresa Amador, Ricky Choi, and
Eric Brossy De Dios

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

PUBLIC COMMUNICATIONS. While all comments are welcome, the Brown Act does not allow the Commission to take action on any item not on the agenda. The Commission may briefly respond to comments after Public Communications is closed. Persons may, in addition to any other matter within the Commission's subject-matter jurisdiction, comment on Agenda Items at this time. If you provide public comment on a specific Agenda item at this time, however, you cannot later provide comments at the time the Agenda Item is considered.

[1.] PRESENTATIONS - None

[2.] CONSENT CALENDAR - None

[3.] PUBLIC HEARING

3-A CONTINUED – CONDITIONAL USE PERMIT (CU-18-02) TO ALLOW FOR A HOSPITAL IN THE O-P (OFFICE PROFESSIONAL) ZONE – 1977 SATURN STREET

It is recommended that the Planning Commission:

- (1) Adopt the attached Resolution approving Conditional Use Permit (CU-18-02), subject to conditions contained therein; and
- (2) Take such additional, related, action that may be desirable.

California Environmental Quality Act (CEQA):

Pursuant to the California Environmental Quality Act CEQA guidelines, the project is Categorically Exempt under § 15301 as a Class 1 categorical exemption (Existing Facilities), because the project consists of operating and licensing of an existing establishment.

[4.] OLD BUSINESS

4-A TENTATIVE MAP NO. 73622 (TM-15-04) TO ALLOW FOR A ONE LOT SUBDIVISION INTO 9-LOTS IN THE R-1 (LOW DENSITY RESIDENTIAL) ZONE – 1585 SOMBRERO DRIVE

It is recommended that the Planning Commission:

- (1) Continue Tentative Map No. 73622 (TM-15-04) to April 10, 2018; and
- (2) Take such additional, related, action that may be desirable.

[5.] NEW BUSINESS - None

[6.] COMMISSION COMMUNICATIONS AND MATTERS

Commissioner Choi is requesting that the Planning Commission consider recommending to the City Council an updated of the existing regulations to extend the public notification mailing radius from 300 feet to 500 feet.

[7.] STAFF COMMUNICATIONS AND MATTERS

ADJOURN

Next regular scheduled meeting on April 10, 2018.

APPROVED BY:

MICHAEL A. HUNTLEY	
-----------------------	---



Planning Commission Staff Report

DATE: March 27, 2018

AGENDA ITEM NO: 3-A

TO: The Planning Commission
FROM: Michael A. Huntley, Community and Economic Development Director
SUBJECT: Resolution approving a Conditional Use Permit (CU-18-02) to allow a hospital use – 1977 Saturn Street.

RECOMMENDATION:

It is recommended that the Planning Commission consider:

- (1) Adopting the Resolution approving requested Conditional Use Permit (CUP-18-02) for a hospital use, subject to conditions of approval; and
- (2) Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

On March 13, 2018, the Planning Commission considered evidence submitted during a public hearing opened on February 27, 2018 and continued until March 13th. The Planning Commission closed the public hearing at that time. Staff reports (without attachments other than correspondence) from the February 27th and March 13th meetings are attached for reference.

At the March 13th meeting, the applicant submitted a letter amending its application to remove a prohibited heliport use. That prohibition is set forth in Ordinance No. 1627, adopted February 11, 1985.

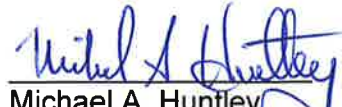
After closing the public hearing, the Planning Commission directed the Community and Economic Development Director to prepare a resolution approving a conditional use permit ("CUP") for a hospital use. That resolution is attached along with conditions of approval.

The public hearing on this matter was closed on March 13th; no further evidence may be received by the Planning Commission at this time. If the Planning Commission wishes to hold a new public hearing, it would need to provide appropriate notice of such a hearing and hold it at a future meeting.

During the public testimony portion of the meeting, comments were made regarding potential conflict of interest with two Planning Commissioners. The commentator noted that the concern would be brought to the attention of the Fair Political Practices Commission (FPPC). Per the attached letter, the FPPC declined to take any action in response to that complaint.

Based upon direction from March 13th, it is recommended that the Planning Commission adopt the draft resolution.

Respectfully submitted,



Michael A. Huntley
Community and Economic
Development Director

Prepared by:



Samantha Tewasart
Senior Planner

Reviewed by:



Karl H. Berger
Assistant City Attorney

Attachments:

Attachment 1: Draft Resolution

Attachment 2: Fair Political Practices Commission Letter dated March 19, 2018

Attachment 3: February 27, 2018 and March 13, 2018 Planning Commission Staff Reports (without attachments)

ATTACHMENT 1

Draft Resolution

RESOLUTION NO.

A RESOLUTION APPROVING CONDITIONAL USE PERMIT (CUP-18-02) TO ALLOW A HOSPITAL USE AT 1977 SATURN STREET.

The Planning Commission of the City of Monterey Park does resolve as follows:

SECTION 1: The Planning Commission finds and declares that:

- A. On January 5, 2018, Prasad Garimella, on behalf of OneLegacy (the "applicant"), a California nonprofit corporation (No. C0813651), submitted an application pursuant to Monterey Park Municipal Code ("MPMC") §§ 21.12.020 and 21.32.020 requesting a Conditional Use Permit (CUP-18-02) to allow for a hospital use at 1977 Saturn Street (the "Project");
- B. The proposed Project was reviewed by the City of Monterey Park Community and Economic Development Department for, in part, consistency with the General Plan and conformity with the MPMC;
- C. In addition, the City reviewed the Project's environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, *et seq.*, the "CEQA Guidelines");
- D. The Community and Economic Development Department completed its review and scheduled a public hearing regarding the Project before the Planning Commission for February 27, 2018;
- E. At the February 27, 2018 meeting, the Planning Commission opened and continued the public hearing to March 13, 2018. While the Planning Commission accepted evidence at that time, it continued the public hearing upon the recommendation of the City Attorney's office to allow additional public review and comment of a Noise Impact Study associated with a then-proposed helicopter use;
- F. On March 13, 2018, the Planning Commission reopened the public hearing to receive evidence. At that time, the Planning Commission was also informed that the Applicant – by letter dated March 13, 2018 – amended its application to omit any request for a heliport. That change was based upon Ordinance No. 1627, adopted February 11, 1985, which prohibits airports, helipads, and heliports in any zone within the City;
- G. After receiving testimonial and documentary evidence during the public hearing including, without limitation, public testimony and information provided by City staff, the Planning Commission voted to close the public hearing. Thereafter, the Planning Commission directed the Community and Economic Development Director to prepare a resolution that would approve the proposed hospital use. That resolution would reflect the Applicant's change to the project that omits any request for the prohibited heliport use. The resolution would be considered during the Planning Commission meeting on March 27, 2018;
- H. As described during the March 13, 2018 Planning Commission meeting, this Resolution is based upon the evidence submitted during the public hearing held on

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 2 OF 6**

February 27, 2018 and March 13, 2018. The Planning Commission closed that public hearing on March 13th and no additional evidence will be considered;

- I. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its February 27, 2018 and March 13, 2018 public hearing.

SECTION 2: *Factual Findings and Conclusions.* The Planning Commission finds that the following facts exist and makes the following conclusions:

- A. The Applicant seeks to operate a hospital for organ procurement within an existing 203,491 square feet two-story office building that was previously occupied by a financial institution for administrative purposes;
- B. 1977 Saturn Street is zoned O-P (Office Professional) Zone and designated as "Commercial" in the Monterey Park General Plan;
- C. According to the Monterey Park General Plan, McCaslin Park (also known as Saturn Park), is a 72-acre business park that contains some of Monterey Park's newest industrial development. Established as a cohesive business park in the 1970s and 80s, this area accommodates a range of professional office, laboratory, light manufacturing, and warehousing uses;
- D. According to MPMC § 21.12.020, a hospital use may be allowed with a conditional use permit;
- E. The subject property is located on the north side of Saturn Street within McCaslin Park, north of Potrero Grande Drive in an area with other professional and healthcare office uses, such as laboratory, light manufacturing, and warehouse uses;
- F. Properties located to the north and east include a Southern California Edison (SCE) easement and R-1 (Single-Family Residential) zoned lots, west are R-1 zoned lots, and south are O-P (Office Professional) zoned lots and Potrero Grande Drive;
- G. The project site is 869,727 square feet (20 acres) in size and is currently developed with a 203,491 square foot, two-story office building constructed in 1979;
- H. There are a total of 785 at-grade parking spaces existing on the property, which will be adequate for the 350 staff members employed by the operator/applicant. The property is accessible from two existing driveways on Saturn Street;
- I. The project includes interior tenant improvement work and a new front entrance to meet accessibility requirements. The proposed use will be comprised of administrative office uses and clinical operations. Approximately 150,000 square feet

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 3 OF 6**

of the existing building will be utilized for administrative office purposes and the remaining 50,000 square feet of building area will be used for organ procurement.

- J. No additional building square footages or changes to the number of existing parking spaces, driveways or parking layout are proposed as part of the conditional use permit request;
- K. The proposed use does not include live patient care including, without limitation, medical, surgical or dental care of sick or injured patients or patient diagnosis;
- L. The proposed use, however, does include procurement and storage of human organs; administration of human organ donor records; maintenance of a web-based human organ offer system; and provides surgical training programs to local, regional and national ophthalmologic and cardiac surgeons. Accordingly, the Planning Commission concurs with the Community and Economic Development Director's determination (see MPMC § 21.02.090) that the proposed use meets the definition of "hospital" as defined in MPMC § 21.04.479.

SECTION 3: *Environmental Assessment.* Based upon the findings set forth in Section 2, and the administrative record as a whole, the project is categorically exempt from additional environmental review under CEQA since it meets the requirements of CEQA Guidelines § 15301 as a Class 1 categorical exemption (Existing Facilities). The project results in minor alterations to an existing facility and will not have any significant impacts with regard to traffic, noise, air quality, or water quality. There are adequate utilities and public services to serve the project.

SECTION 4: *Conditional Use Permit Findings.* Pursuant to MPMC § 21.32.020, the Planning Commission finds as follows:

- A. The site is adequate in size, shape and topography for the proposed use including without limitation, any required yards, walls, fences, parking and loading facilities, landscaping, setbacks, and other development standards prescribed in the BMC.

The project does not propose any change to the existing site, building, or parking. The lot size, shape and topography will remain the same. While the applicant will conduct some interior remodel work including, without limitation, a new front entrance to meet requirements of the Americans with Disability Act ("ADA"), no new exterior walls or fences will be constructed. The parking and loading facilities, landscaping, and setbacks will not be changed.

- B. The site has sufficient access to streets and highways, adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed use.

The site has sufficient access to streets and highways, adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 4 OF 6**

use. The proposed hospital use would not significantly increase traffic beyond the site's previous financial institute's use. No changes are proposed to the existing parking area or driveways. The property is accessible from two existing driveways on Saturn Street. Saturn Street is identified as a minor arterial street in the General Plan Circulation Element. A minor arterial roadway provides a 64- to 68-foot curb-to-curb width within an 80- to 88-foot right-of-way. This allows for a four lane undivided roadway with a capacity up to 40,000 vehicles per day. The subject property is located in an area with other professional and healthcare office uses.

- C. The proposed use is consistent with the General Plan and any applicable specific plan.

The proposed use is consistent with the Monterey Park General Plan and otherwise complies with the zoning regulations in the MPMC. The subject property is designated Commercial in the General Plan.

- D. The proposed use will not create unusual noise, traffic, or other conditions that may be objectionable, detrimental, or incompatible with surrounding properties or other permitted uses in the City.

The proposed hospital use, as conditioned, will not have an adverse effect on the use, enjoyment or valuation of property in the neighborhood as the conditions of approval will minimize the potential for any negative environmental impacts.

- E. The proposed use will not have an adverse effect on the public health, safety and general welfare.

The proposed hospital use will not have an adverse effect on the public health, safety, and general welfare because conditions of approval have been incorporated to minimize and limit any potential adverse effects to neighboring properties.

- F. The use applied for at the location set forth in the application is properly one authorized by conditional use permit pursuant to the MPMC.

The proposed hospital use is a conditionally allowed use in the O-P zone (see MPMC § 21.12.020; Table 21.12(A); and MPMC § 21.12.040).

SECTION 5: Approval. Subject to the conditions listed on the attached Exhibit "A," which are incorporated into this Resolution by reference, the Planning Commission approves Conditional Use Permit (CUP-18-02).

SECTION 6: Reliance on Record. Each and every one of the findings and determinations in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project. The findings and determinations constitute the independent findings and determinations of the Planning Commission in all

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 5 OF 6**

respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 7: *Limitations.* The Planning Commission's analysis and evaluation of the project is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the project is the Planning Commission's lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are the limitations on the City's ability to solve what are in effect regional, state, and national problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 8: *Summaries of Information.* All summaries of information in the findings, which precede this section, are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

SECTION 9: This Resolution will remain effective until superseded by a subsequent resolution.

SECTION 10: A copy of this Resolution will be mailed to OneLegacy and to any other person requesting a copy.

SECTION 11: Pursuant to MPMC § 21.32.110, this Resolution will become effective 19 calendar days after its adoption. Pursuant to MPMC § 1.10.020, any appeal of the Planning Commission must be made within 10 days after this Resolution is adopted. All appeals must be in writing and filed with the City Clerk within this time period. Failure to file a timely written appeal will constitute a waiver of any right of appeal.

SECTION 12: Except as provided in Section 11, this Resolution is the Planning Commission's final decision and will become effective immediately upon adoption.

ADOPTED AND APPROVED this 27th day of March 2018.

Chairperson Larry Sullivan

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 6 OF 6**

I hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Monterey Park at the regular meeting held on the 27th day of March 2018, by the following vote of the Planning Commission:

AYES:
NOES:
ABSTAIN:
ABSENT:

Michael A. Huntley, Secretary

APPROVED AS TO FORM:
Mark D. Hensley, City Attorney

By:



Karl H. Berger,
Assistant City Attorney

PLANNING COMMISSION RESOLUTION NO.

Exhibit A

CONDITIONS OF APPROVAL

1977 SATURN STREET

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), OneLegacy agrees to comply with the following conditions of approval for Conditional Use Permit (CUP-18-02) ("Project Conditions").

PLANNING:

1. OneLegacy (the "Applicant") agrees to indemnify and hold the City harmless from and against any claim, action, damages, costs (including, without limitation, attorney's fees), injuries, or liability, arising from the City's approval of CUP-18-02 except for such loss or damage arising from the City's sole negligence or willful misconduct. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of the City approval of CUP-18-02, the Applicant agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section "the City" includes the City of Monterey Park's elected officials, appointed officials, officers, and employees.
2. The conditional use permit expires twelve months after its approval if the use has not commenced or if improvements are required, but construction has not commenced under a valid building permit. A total of a one year extension may be granted by the Planning Commission upon finding of good cause. An application requesting an extension must be filed with the Community and Economic Development Director, or designee.
3. The property owner is responsible for maintaining the area adjacent to the business location and the site in general, including any parkways and alleys.
4. The property must remain well maintained and free of graffiti. Failure of the applicant/property owner to remove graffiti within 24 hours written notice by the City will cause the City to abate the graffiti at the cost of the applicant/property owner.
5. Per Ordinance No. 1627, adopted February 11, 1985, airports, heliports and helipads are prohibited.
6. A copy of the Conditions of Approval for Conditional Use Permit (CUP-18-02) must be kept on the premises of the establishment and presented to any authorized City official upon request.

**PLANNING COMMISSION
RESOLUTION NO.**

FIRE:

7. All fire conditions must be completed to the satisfaction of the Fire Chief, or designee.
8. A permit must be obtained from the Fire Department before engaging in activities, operations, practices or functions as indicated in California Fire Code (CFC) §§ 105.6 and 105.7.
9. Fire protection, including fire apparatus access roads and water supplies for fire hydrant must be installed and made serviceable before and during the time of the construction, per CFC § 501.4.
10. All fire safeguards required by California Fire Code Chapter 33, as adopted by the MPMC, must be adhered to and maintained during the course of construction.
11. Modifications to the building automatic fire sprinkler system and fire alarm is to be under separate permit as set forth by CFC § 903 and 907.
12. An approved number or address must be provided on the building frontage in such a position as to be plainly visible and legible from the street or road fronting the property. Numbers must be minimum of 6-inch high by ½-inch stroke and be a contrasting background per CFC § 505.1.
13. Portable fire extinguishers must be installed per the CFC § 906.
14. All doors designated as exits, except for the main entrance, must be equipped with common knowledge lever type, single action hardware, unless panic hardware is specifically required per CFC § 1010.1.0.
15. Specific Building and Fire Code requirements will be based upon final determinations of the occupancy classification by the Building Official based on the proposed uses.

POLICE:

16. Adequate lighting must be provided so the building is visible from the street during the hours of darkness.
17. If security gates are installed on the property it is recommended that an access control system such as a keypad, card reader, or electric latch retraction devices are installed at ingress and egress gates and doors in order to control and deter unwanted access onto the property.
18. It is recommended that a camera surveillance/security system be installed in the common areas of the property such as the common walkways, exterior storage

**PLANNING COMMISSION
RESOLUTION NO.**

areas, building perimeters, and stairwells. If a camera security system is installed the cameras should operate 24 hours a day, seven days a week. All cameras should record onto a recording medium and all recordings must be maintained in a secured and locked enclosure. It is recommended that recordings be maintained for a minimum of 30 days and made readily available for any law enforcement official who requests the recording(s) for official purposes.

19. The shrubbery on the property must be installed and maintained in such a condition to permit good visibility of the business from the street. Any shrubbery surrounding the complex must be planted and maintained where the height of the greenery would not easily conceal persons.
20. Any outside ladders leading to the rooftop must be secured to prevent unauthorized access to the roof.
21. The driveway must be constructed and maintained in such a condition that traffic is easily visible to those entering or leaving the location with a proper thoroughfare maintained in the parking lot for any necessary emergency vehicles and/or personnel at all times. The Monterey Park Police Department Traffic Bureau must be contacted for sign verbiage and posting locations. The Traffic Bureau Sergeant can be reached at (626) 307-1481.

By signing this document OneLegacy certifies that it read, understood, and agrees to the Project Conditions listed in this document.

Prasad Garimella, Chief Operations Officer,
on behalf of OneLegacy, Applicant

ATTACHMENT 2

Fair Political Practices Commission Letter dated March 19, 2018



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3000 • Sacramento, CA 95811

March 19, 2018

Maychelle Yee
sent via email at: maychelleyee@msn.com

Re: COM-03092018-00302; Sworn Complaint Against the City of Monterey Park

Dear Ms. Yee:

This letter is in response to the sworn complaint you submitted to the Enforcement Division of the Fair Political Practices Commission regarding the above-referenced entity. The Enforcement Division will not open an investigation on this matter.

The Commission enforces the provisions of the Political Reform Act (the "Act") found in Government Code Section 81000, and following. After review of the complaint and the evidence obtained, the Enforcement Division found insufficient evidence of a violation of the Act. The complaint did not identify Mr. Sullivan's or Mr. Choi's economic interest that would give rise to a potential conflict of interest under the Act. We will, therefore, not pursue this matter further.

If you have any questions regarding this letter, you may contact Chloe Hackert at chackert@fppc.ca.gov.

Sincerely,

Galena West, Chief
Enforcement Division

GW/ch

cc: City of Monterey Park

ATTACHMENT 3

February 27, 2018 and March 13, 2018 Planning Commission Staff Reports



Planning Commission Staff Report

DATE: February 27, 2018

AGENDA ITEM NO: 3-B

TO: The Planning Commission
FROM: Michael A. Huntley, Community and Economic Development Director
SUBJECT: A Public Hearing to Consider a Conditional Use Permit (CU-18-02) to allow a hospital with an ancillary heliport – 1977 Saturn Street.

RECOMMENDATION:

It is recommended that the Planning Commission consider:

- (1) Opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting the Resolution approving the requested Conditional Use Permit (CUP-18-02), subject to conditions of approval contained therein; and
- (5) Take such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

The proposed project is categorically exempt from the provision of the California Environmental Quality Act (CEQA) per State CEQA guidelines CEQA Guidelines § 15301 (Class 1 – Existing Facilities), because the project consists of the operation and licensing of an existing structure. No physical changes are proposed to the site, except for interior tenant improvement work and a new front entrance to meet accessibility requirements. The subject property is an existing 203,491 square feet two-story office building that was previously occupied by financial institution for administrative purposes. The proposed use will be predominantly administrative office uses in nature with some clinical operations. Approximately 150,000 square feet of the existing building will be utilized for administrative office purposes and the remaining 50,000 square feet of building area will be used for organ procurement. No new square footage is proposed to the existing building or modifications to the existing parking area.

EXECUTIVE SUMMARY:

The applicant, Prasad Garimella, on behalf of OneLegacy, is requesting approval of a Conditional Use Permit to allow a hospital with an ancillary heliport at 1977 Saturn Street. The property is zoned O-P (Office Professional) and is designated C (Commercial) in the General Plan.

Staff is recommending approval of the Conditional Use Permit (CUP-18-02) subject to the conditions contained in the Resolution to address any concerns that are typically associated with a hospital and heliport use. The subject property is an existing two-story office building that was previously occupied by East West Bank for administrative purposes. The proposed use will be predominantly administrative office uses in nature with some clinical operations. No new square footage is proposed to the existing building or modifications to the existing parking area. The proposed work to the building will be mostly interior along with a new front entrance to comply with accessibility requirements. Potential concerns related to noise is addressed in the Noise Analysis Technical Study conducted for the proposed use as discussed below.

BACKGROUND:

Property Description

The subject property is located on the north side of Saturn Street within McCaslin Park, north of Potrero Grande Drive. The subject lot is 869,727 square feet (20 acres) in size and is currently developed with a 203,491 square foot, two-story office building constructed in 1979 with 785 at-grade parking spaces. Properties located to the north and east include a Southern California Edison (SCE) easement and R-1 (Single-Family Residential) zoned lots, west are R-1 zoned lots, and south are O-P (Office Professional) zoned lots and Potrero Grande Drive. The property is accessible from two driveways on Saturn Street. The number of existing parking spaces on the property will be more than adequate for the proposed use.

According to the General Plan, McCaslin Park, also known as Saturn Park, is a 72 acre business park that contains some of Monterey Park's newest industrial development. Established as a cohesive business park in the 1970s and 80s, this area accommodates a range of professional office, laboratory, light manufacturing, and warehousing uses. Some of the current business operators include Care 1st Health Plan, Union Bank Corporate Office, TMC Power Equipment, Ross Name Plates, and the Association of Los Angeles Deputy Sheriffs. The City intends for the Saturn Park to continue to provide diverse business and employment opportunities, with an emphasis on businesses that employ skilled workers.

Project Description

According to the floor plan, approximately 50,000 square feet of the gross building area will be utilized for administrative offices, education and training, and conference spaces; approximately 50,000 square feet will be utilized for clinical spaces; approximately 50,000 square feet will be utilized for 24/7/365 call center purposes, clinical operations, information technology and cafeteria purposes; and the remaining 50,000 square feet will be utilized for future expansion purposes, potentially to provide space for related companies and organizations dedicated to life-saving transplantation. According to the applicant, the intent of the proposed floor plan is to place the administrative staff at the northern portion of the building towards the residential area, while keeping the clinical use at the southern portion of the building further away from the residential area to the

north. The entrance of the building will be remodeled and updated for accessibility purposes.

According to the applicant, OneLegacy will be relocating their corporate office headquarters from West Los Angeles to Monterey Park. OneLegacy currently has 350 highly educated and skilled staff members. OneLegacy will bring to Monterey Park the world's largest Organ Procurement Organization, with an annual revenue of \$90+ million, that saves and heals more lives through donation and transplantation than any organization of its kind. OneLegacy will bring to City the most advanced medical and software technologies that have transformed the field of donation nationally and internationally. OneLegacy has been the inventor of and leading developer of an Electronic Donor Record and Web-Based organ offer system. OneLegacy also provides surgical training in graft implantation to local, regional, and national Ophthalmologic surgeons through training programs. OneLegacy also provides similar training to cardiac surgeons in the transplantation of heart valves to benefit cardiac patients from throughout the region.

Heliport

As part of OneLegacy's operations there will be the need for a heliport to allow for 50-60 helicopter flights to and from the facility per year, or roughly one flight per week. The flights are anticipated to occur mostly during the day time. Based on historical data of a similar use, it is anticipated that 90 percent of flights would occur during the daytime period (7 AM – 7 PM), 5 percent of flights would occur during the evening period (7 PM – 10 PM), and 5 percent of flights would occur during the nighttime period (10 PM – 7 AM). The heliport is proposed on the rooftop at the most southwestern corner of the building away from the residential uses to the north and west.

Helicopters, similar to those that are in use by other hospitals to transport emergency patients, will be used only when the medical urgency of the waiting transplant recipient requires the rapid transport of the surgical recovery teams to the OneLegacy Recovery center and returning with the life-saving organ to their transplant centers. The few flights that will be landing and taking off throughout the year will be largely due to "urgency rather than frequency." Hearts and lungs, which are only viable for a few hours after recovery, need to be transplanted into recipients immediately to avoid rejection and potential harm to the recipient at their local transplant centers located at USC, UCLA, and Cedars Sinai Medical Center. All such flight and helicopter types have been independently tested and verified to be below the City's noise ordinance thresholds. According to MPMC § 21.12.030, a hospital is subject to the approval of a conditional use permit.

Noise Analysis

A Noise Analysis was conducted by Heliplanners, Inc. on behalf of the applicant. The Analysis was peer reviewed by the City's environmental consultant, Michael Baker International. The Noise Analysis concludes that helicopter noise levels from approach/departure to/from the east would not exceed the City's exterior noise

standards and would be below the Federal Interagency Committee on Noise (FICON) – recommended 5.0 dB threshold for ambient noise less than 60 dB CNEL, the 3.0 dB threshold for ambient noise between 60 and 65 dB CNEL, and the 1.5 dB threshold for ambient noise greater than 65 dB CNEL. Also, helicopter noise levels from approach/departure to/from the west would not exceed the City's exterior noise standards and would be below the FICON-recommends 5.0 dB threshold for ambient noise less than 60 dB CNEL, the 3.0 dB threshold for ambient noise between 60 dB CNEL, and the 1.5 dB threshold for ambient noise greater than 65 dB CNEL.

According to the Analysis, the project site is located approximately 0.35 miles north of the State Route (SR) Pomona 60 Freeway. The pilots would be instructed to use the specified approach/departure paths as illustrated in Figure 3 in the Noise Analysis Technical Study, which would follow the SR 60 corridor and would not operate directly over the existing residential uses. The rooftop heliport would be approximately 45 feet above ground.

According to the Analysis, the major noise sources within the City include vehicle traffic, specifically SR 60 located to the south of the project site. As stated in the General Plan, air traffic into and out of the Los Angeles International Airport (LAX), located approximately 25 miles west of the City, follows an east-west route directly over the middle of the City. Similar flying centers near the project site include the Los Angeles County/USC Medical Center approximately 6 miles to the west, Cedars-Sinai Medical Center approximately 15 miles to the west, and the Ronald Regan UCLA Medical Center approximately 19 miles to the west.

The existing ambient noise environment near the project site was determined by conducting noise measurements near sensitive receptors that would potentially be impacted by the property project. Short-term (15-minutes) and long-term (24-hour) noise monitoring was conducted. These measures noise levels represent day-to-day noise from sources near the project site, including vehicular traffic along local streets.

General Plan Consistency

According to the General Plan, the Noise Element establishes goals and policies for the compatibility of land uses with various noise levels. These policies have been used to set and adopt noise compatibility criteria for various land uses within the City. The purpose of these criteria is to reduce the various potential effects of noise, including sleep disturbance, reduced physical and mental performance, annoyance, and interference with speech communication. According to the General Plan, Policy 7.2 restricts the establishment/use of helipads to those areas of the City where overflights of residential neighborhoods can be avoided, except where such operations are needed to support critical medical and emergency response facilities.

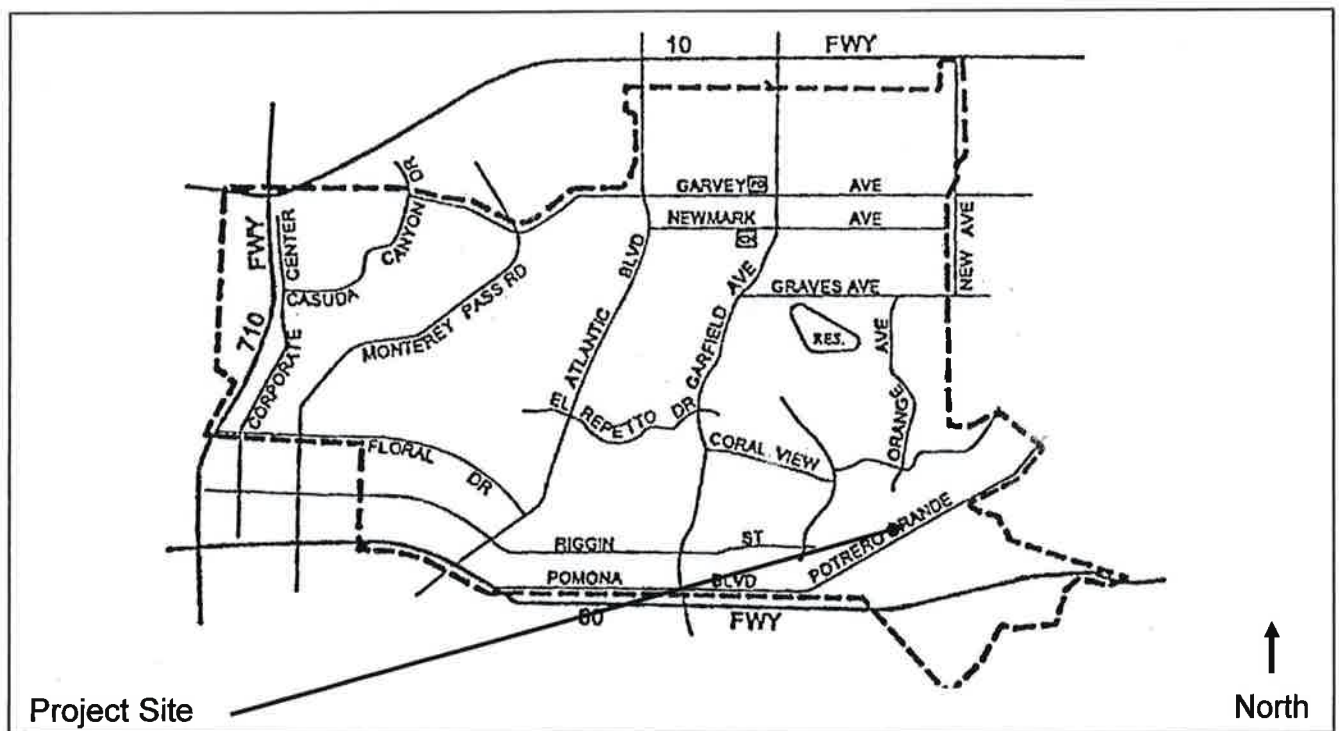
The City regulates noise through Chapter 9.53 of the Municipal Code, which has established noise standards for stationary noise levels at various categories of land uses. According to the Noise Analysis from the approach/departure from/to the east and west, the noise generated by the helicopter approach from the east and west would be

similar to existing conditions, especially considering the fact that noise from flights would occur for a relatively short period of time and would be infrequent. At no time would helicopter flights exceed the noise thresholds as identified in the General Plan and Municipal Code.

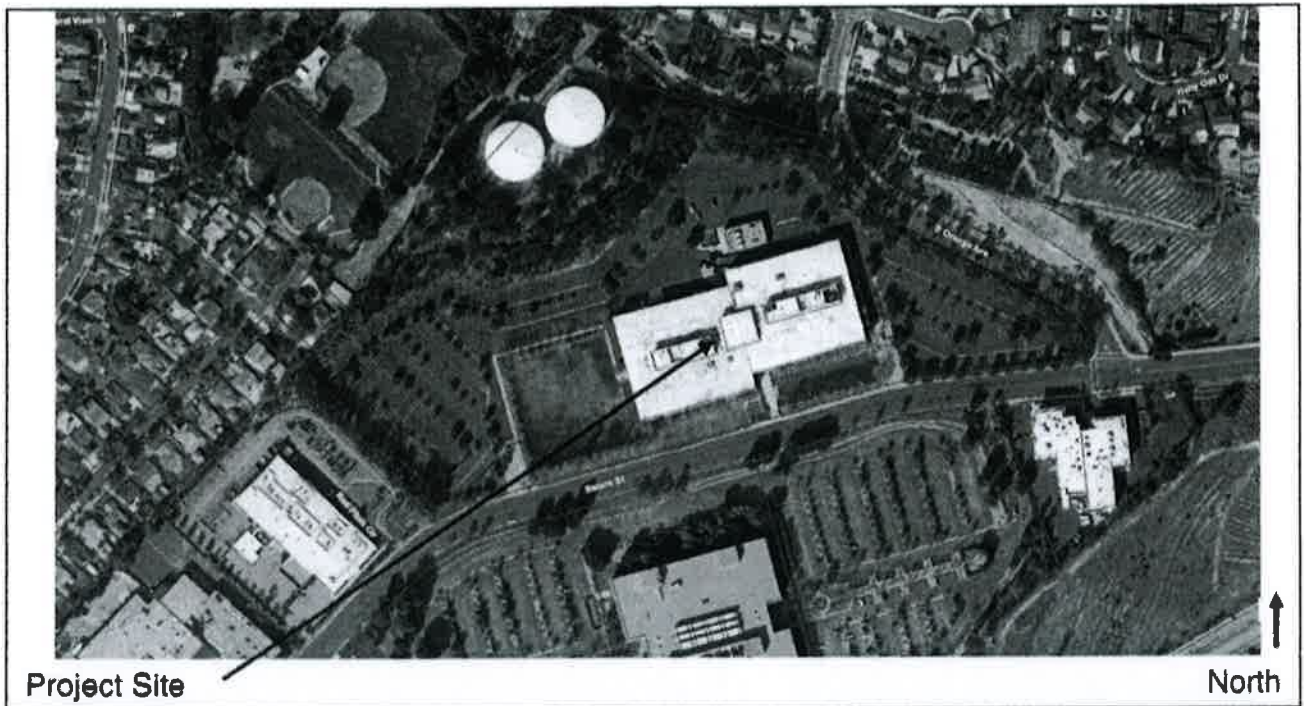
Legal Notification

The legal notice of this hearing was posted at City Hall, Monterey Park Bruggemeyer Library, and Langley Center on **February 2, 2018**, with affidavits of posting on file. The legal notice of this hearing was mailed to **79** property owners within a 300 foot radius and current tenants of the property concerned on **February 2, 2018**.

Vicinity Map



Aerial Map



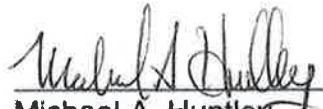
ALTERNATIVE COMMISSION CONSIDERATIONS:

None.

FISCAL IMPACT:

There may be an increase in sales tax revenue and business license tax revenue. Calculations of the exact amount would be speculative.

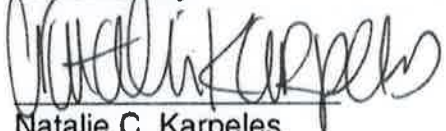
Respectfully submitted,


Michael A. Huntley
Community and Economic
Development Director

Prepared by:


Samantha Tewasart
Senior Planner

Reviewed by:


Natalie C. Karpeles
Deputy City Attorney

Attachments:

Attachment 1: Draft Resolution

Exhibit A: Noise Analysis Technical Study

Attachment 2: Site and floor plans



Planning Commission Staff Report

DATE: March 13, 2018

AGENDA ITEM NO: 3-A - SUPPLEMENTAL

TO: The Planning Commission
FROM: Michael A. Huntley, Community and Economic Development Director
SUBJECT: SUPPLEMENTAL – A Public Hearing to Consider a Conditional Use Permit (CU-18-02) to allow a hospital with an ancillary heliport – 1977 Saturn Street.

EXECUTIVE SUMMARY:

This is a supplemental staff report for Item 3-A. Based upon information found on Monday, March 12, 2018, the applicant is withdrawing its request for a heliport.

It does, however, wish to continue the public hearing for considering its request for a conditional use permit ("CUP") as to the hospital use.

BACKGROUND:

In 1985, the City Council adopted Ordinance No. 1627 (attached) which removed "airport and heliport" and "helipad" from the Monterey Park Municipal Code ("MPMC") as land uses that could be permitted pursuant to a conditional use permit ("CUP"). Regrettably, Ordinance No. 1627 neither deleted the definition of "heliport" from the MPMC nor did it add an outright prohibition on airports, heliports, or helipads.

In the 33 years since Ordinance No. 1627 was adopted, the MPMC underwent a number of amendments. The zoning regulations codified in Title 21 of the MPMC, however, continued to include the definition of "heliport."¹ Consequently, when One Legacy submitted its application, the Economic and Community Development department found that the MPMC could allow a "heliport" could be an ancillary use to a hospital.²

While planning staff conducted a review of the City's files regarding helipads and heliports, it was only after receiving information from a long-time informed resident of the City that staff was able to focus on the City Council's actions in 1985. At that point, the City Clerk's office was able to identify Ordinance No. 1627. After it reviewed this new information, One Legacy chose to drop its request for a heliport.


To help ensure that a similar situation does not occur in the future, it is recommended that the Planning Commission request that the City Council adopt an ordinance to clarify the MPMC as to airports, heliports, and helipads.

¹ MPMC § 21.04.463.

² MPMC § 21.02.090 authorizes the Director to make such determinations.

As to One Legacy's request, the revised recommendation for the Planning Commission is that it reopen the public hearing; note that One Legacy's application was amended to drop the request for a heliport; consider testimony as to the request for a CUP as to a hospital only; and take appropriate action. Upon making a decision, the Planning Commission would direct staff to return at a subsequent meeting with an appropriate resolution memorializing the Planning Commission's decision.

Respectfully submitted,


Michael A. Huntley
Community and Economic
Development Director

Prepared by:


Samantha Tewasart
Senior Planner

Reviewed by:


Karl H. Berger
Assistant City Attorney

Attachments:

- Attachment 1: Applicant Letter, dated March 13, 2018
- Attachment 2: Ordinance No. 1627

ATTACHMENT 1

Applicant Continuation Request Letter, dated March 1, 2018



saving lives through
organ, eye & tissue donation

March 13, 2018

Via

Michael A. Huntley
Director of Community and Economic Development
City of Monterey Park
320 West Newmark Avenue
Monterey Park, California 91754

Dear Mr. Huntley:

On Monday afternoon, March 12, 2018, you shared with us that the City Attorney of Monterey Park has determined that Ordinance No. 1627 adopted by the City of Monterey Park on February 11, 1985, remains applicable to current uses within the City of Monterey Park.

In reliance upon these statements, we will be withdrawing our application for a conditional use permit for the helipad we wanted to install at our facility.

OneLegacy would like to proceed with our application for a Conditional Use Permit for Hospital Use at tonight's, March 13, 2018 7PM Planning Commission Hearing.

Thank you for bringing this to our attention.

Very truly yours,

Prasad Garimella
COO, OneLegacy
CUP Applicant

Tom D. Mone
CEO OneLegacy
Owner

Co-Founders

Robert Mendez, MD
Chairman Emeritus
Rafael Mendez, MD
Secretary Emeritus

Board of Directors

William I. Chertok
Chairman of the Board
Senator Art Torres
Vice Chairman
Gloria Ann Bohrer
Secretary
Sandra Wallace Blaydow
Earle E. Crandall, MD, PhD
William Gallio
Thomas Mone
Darlene P. Robles, PhD
J. Thomas Rosenthal, MD

Honorary Board Member

Richard Towse

Los Angeles Corporate

221 South Figueroa Street
Suite 500
Los Angeles, CA 90012
(213) 229-5600
(213) 229-5601 Fax

Bakersfield

1100 Mohawk Street
Suite 150
Bakersfield, CA 93309

Orange

500 City Parkway West
Suite 110
Orange, CA 92868

Placentia

761 West Kimberly Avenue
Placentia, CA 92870
(714) 356-5212

Redlands

1701 Orange Tree Lane
Redlands, CA 92374

Donor Referral Line

(800) 338-6112

Business Office

(800) 786-4077

www.OneLegacy.org



ATTACHMENT 2

Ordinance No. 1627

ORDINANCE NO. 1627

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF MONTEREY PARK, CALIFORNIA,
AMENDING SECTION 21.70.030 OF THE
MONTEREY PARK MUNICIPAL CODE TO DELETE
AIRPORTS, HELIPORTS AND HELIPADS AS USES
ALLOWED SUBJECT TO A CONDITIONAL USE PERMIT

THE CITY COUNCIL OF THE CITY OF MONTEREY PARK, CALIFORNIA,
DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds and determines that an amendment to Section 21.70.030 of the Municipal Code relating to airports, heliports and helipads has been processed in accordance with state law and city ordinances and regulations, and that said amendment is in the public interest and consistent with the general plan.

SECTION 2. Based on the evidence presented at the public hearing thereon and in the environmental assessment questionnaire, the City Council adopts the findings in said questionnaire and determines that the amendment will have no significant adverse effect on the environment and adopts and affirms the submitted negative declaration.

SECTION 3. Section 21.70.030 of the Monterey Park Municipal Code is hereby amended by deleting therefrom "airport and heliport" and "helipad" as uses allowed subject to a conditional use permit in all zones in which said uses are currently premitted.

SECTION 4. The City Clerk shall certify to the passage and adoption of this ordinance and to its approval by the Mayor and shall cause the same to be published in the Monterey Park Progress, a newspaper of general circulation, published and circulated in the City of Monterey Park.

INTRODUCED this 28th day of January, 1985.

PASSED, APPROVED AND ADOPTED this 11th day of February, 1985.


MAYOR OF THE CITY OF
MONTEREY PARK, CALIFORNIA

ATTEST:


CITY CLERK OF THE
MONTEREY PARK, CALIFORNIA

ORDINANCE NO. 1627
PAGE TWO

CITY OF MONTEREY PARK)
COUNTY OF LOS ANGELES) ss.
STATE OF CALIFORNIA)

I, Pauline Y. Lemire, City Clerk of the City of Monterey Park, California, do hereby certify that the foregoing Ordinance No. 1627 was introduced at a regular meeting of the City Council of the City of Monterey Park, California, held on the 28th day of January, 1985, and that it was duly passed, approved and adopted at a regular meeting of said City Council held on the 11th day of February, 1985, by the following vote:

AYES: Chen, Briglio, Manibog, Peralta, Almada
NOES: None
ABSTAIN: None

Executed this 14th day of February, 1985, at Monterey Park, California.

Pauline Y. Lemire
CITY CLERK OF THE
CITY OF MONTEREY PARK,
CALIFORNIA

RJM 921-29



Planning Commission Staff Report

DATE: March 13, 2018

AGENDA ITEM NO: 3-A

TO: The Planning Commission
FROM: Michael A. Huntley, Community and Economic Development Director
SUBJECT: Continued – A Public Hearing to Consider a Conditional Use Permit (CU-18-02) to allow a hospital with an ancillary heliport – 1977 Saturn Street.

RECOMMENDATION:

It is recommended that the Planning Commission consider:

- (1) Re-opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) After considering the evidence, adopting the draft Resolution approving the requested Conditional Use Permit (CUP-18-02), subject to conditions of approval; and
- (5) Taking such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

The proposed project is categorically exempt from additional environmental review under the California Environmental Quality Act (CEQA) per CEQA Guidelines § 15301 (Class 1 – Existing Facilities) because the project consists of the operation, permitting, and licensing or minor alteration of existing public or private structures, facilities, and mechanical equipment. The project includes interior tenant improvement work and a new front entrance to meet accessibility requirements. The property is an existing 203,491 square feet two-story office building that was previously occupied by a financial institution for administrative purposes. The proposed use will be predominantly administrative office uses with some clinical operations. Approximately 150,000 square feet of the existing building will be utilized for administrative office purposes and the remaining 50,000 square feet of building area will be used for organ procurement. The use operations will include a heliport on the rooftop and new roof access. The roof access will be the same height as the existing two penthouses, which currently houses the building's mechanical equipment and existing roof access.

EXECUTIVE SUMMARY:

The Planning Commission opened the public hearing for this matter on February 27, 2018. At that time, the Commission accepted public testimony. Upon advice from the City Attorney's office, the Planning Commission continued the public hearing until March 13,

2018. This action was advisable to allow public review of the noise analysis which, while publicly available in the City Clerk's office, was not posted on the City's website.

Before continuing the item, the Planning Commission requested additional information. Specifically, the Commission sought information about sound impacts surrounding Site A; flight safety; proximity of helicopter flights to power lines and residences; heights; and photos of the adjacent properties considering the elevated areas around this property.

In response, staff caused additional information to be gathered for the Planning Commission which is included with this supplemental staff report.

BACKGROUND AND ANALYSIS:

A copy of the February 27, 2018 staff report is included for reference. Since that time, at the Planning Commission's direction, staff gathered additional information which is outlined below.

Public testimony from the February 27th meeting also prompted staff to provide some overview regarding the proceedings before the Planning Commission including a reminder regarding conflicts of interest, *ex parte* communications, and appeals rights for the applicant or any interested person.

➤ *Why is the Planning Commission acting on this application rather than the City Council?*

The Government Code provides that a "planning agency" exists in each city and county in California. For general law cities like Monterey Park, the city council acts as the planning agency unless it delegates such authority to a planning commission.¹

The basic functions of a planning agency include:

"[i]mplement[ing] the general plan through actions including, but not limited to, the administration of specific plans and zoning and subdivision ordinances" and to "[p]erform other functions as the legislative body provides...."²

While there is leeway to identify which functions a planning commission may exercise,³ if a city council creates a planning commission, that body is generally authorized to undertake all planning agency functions established by California law.

Monterey Park Municipal Code ("MPMC") § 2.56.010 created the Planning Commission and MPMC § 21.02.080 provides that the Planning Commission is the City's planning agency. Through the MPMC, the City Council delegated authority to the Planning

¹ Government Code § 65100.

² *Id.*

³ Government Code § 65100 (for example, a city council could retain planning agency functions for itself or create more than one planning commission).

Commission to “hear and act upon all matters as specified in [Title 21, Zoning] and any other responsibilities authorized by [the MPMC].”

For purposes of this application, therefore, the Planning Commission – pursuant to both California law and the MPMC – is the decision maker regarding whether to issue a conditional use permit (“CUP”). Note, however, that any person may appeal a final Planning Commission decision to the City Council pursuant to MPMC §§ 1.10.010, 21.32.110 and 21.32.140. Separately, the City Council can review a Planning Commission decision pursuant to MPMC § 1.10.060.

➤ ***Why is this project classified as a “Hospital”?***

An overview of OneLegacy’s application is provided in the February 27th staff report. The City Planner – which is the Director of Community and Economic Development – is authorized to “to interpret the use provisions applicable to each zone district identified in this title” (MPMC § 21.02.090).

Based upon the Director’s review of the OneLegacy application, the proposed project fits within the category of “hospital” for purposes of MPMC § 21.12.020 which regulates land uses within the Office Professional (“O-P”) zone. MPMC § 21.04.479 defines a hospital to mean

“an institution staffed and equipped to provide the various types of intensified hospital care, including, but not limited to, short-term care in acute medical, surgical and obstetrical services, but shall not include the treatment, other than on an emergency temporary basis, of alcoholic or mental patients or drug addicts.”

Table 21.12(A) (attached) provides that “hospitals” must obtain a CUP.

➤ ***Conditional Use Permits***

Consideration of a CUP is governed by MPMC § 21.32.020. A copy of that section is attached for reference. When the Planning Commission considers a CUP, it engages in a process known as a “quasi-judicial” proceeding (see attachment from the Planning Commissioner’s Handbook published by the League of California Cities).

When acting in this role, the Planning Commission applies “law that already exists to determine specific rights based upon specific facts ascertained **from evidence adduced at a hearing**.” A quasi-judicial action triggers the procedural due process rights of the United States and California Constitutions. Under such circumstances, a party appearing before the legislative body is entitled to

- Notice of the proposed action;
- Reasons for the action;

- A copy of the evidence on which the action is based; and
- The right to respond “before a reasonably impartial, noninvolved reviewer.”

The last requirement is one of fundamental fairness. It is a long-standing rule that quasi-judicial bodies can only make decisions based upon the evidence before them; they “cannot act on their own information.” A legislative body acting upon its own information, without a party’s input, does not conduct a fair hearing.

Should a Planning Commission decision be appealed to the City Council, then the City Council would also act in a quasi-judicial role when considering the appeal.

➤ ***Ex Parte contacts***

Staff is aware of the significant public interest this project generated. Anecdotal information – received outside of the public hearing – suggests there are several opinions circulating on social media regarding this application. Should such social media posts, public comment at the City Council meeting on March 7th, or any other *ex parte* communication (see below) influence a Planning Commissioner’s decision, it must be disclosed.

There is nothing that prohibits a public official from conducting independent investigations regarding this (or any other) application. Information gathered outside of a public hearing is called “*ex parte*” communications. Such communications include the transmission, receipt or exchange of oral, written or graphic information relevant to the merits of an adjudicatory or quasi-judicial proceeding. *Ex parte* communications also include any other type of sensory communication that can convey visual or auditory information. For example, the visual inspection of the site of a proposed project can reveal a great deal of information about the site that may not otherwise be evident from the materials otherwise available to the parties and the public in the administrative record.

Information that is evidentiary and acquired through *ex parte* communications must be disclosed if that same information is not already set forth in the administrative record and available to the parties and the public. Information is evidentiary if it is considered by the decisionmaker for its bearing on the issues and his or her ultimate decision on matter. Casual, non-substantive communications that do not bear on the ultimate decision do not need to be disclosed. For example, a constituent approaching a planning commissioner and expressing support or opposition for a particular project does not raise due process concerns if the constituent’s expression is not accompanied by factual information that may influence the planning commissioner’s decision-making process.

➤ ***Conflicts of Interest***

There are two types of conflicts of interest: (1) the common law doctrine identified by the California Supreme Court; and (2) the Political Reform Act (as implemented by the Fair Political Practices Commission). The common law doctrine is fairly straightforward: a public officer is impliedly bound to exercise the powers conferred on the officer with

disinterested skill, zeal, and diligence and primarily for the benefit of the public.⁴ This common law doctrine was developed through court decisions and is generally secondary to the significant regulations adopted by the Legislature and the Fair Political Practices Commission⁵ ("FPPC"). These laws and regulations are part of the Political Reform Act ("PRA").

The PRA states that "[n]o public official at any level of state or local government shall make, participate in making or in any way attempt to use his [or her] official position to influence a governmental decision in which he [or she] knows or has reason to know he [or she] has a financial interest."

Note that serving on a nonprofit corporation's board of directors without compensation is not a conflict of interest.⁶ If, however, service on the nonprofit entity's board of directors results in \$500 or more in annual compensation, then an official *may* have a conflict of interest.⁷ Planning Commissioners are reminded that they must disclose any potential conflict of interest and, if that conflict is material, must recuse themselves from the decision-making process.

➤ ***What about those safety and noise concerns?***

At the Planning Commission's direction, staff required additional analysis regarding the potential noise impacts of helicopter flights and the proximity of power transmission lines. To reemphasize what was already explained in the February 27th report, the City conducted a peer review of all information submitted by the application. Michael Baker International, Inc. is retained by the City to review studies submitted by applicants. It reviewed and verified the study provided by the applicant's consultant.

- **Noise**

Noise level (or volume) is generally measured in decibels (dB) using the A-weighted sound pressure level (dBA). The A-weighted scale adjusts the actual sound pressure levels making them consistent with that of human hearing response, which is most sensitive to frequencies around 4,000 Hertz (about the highest note on a piano) and less sensitive to low frequencies (below 100 Hertz).

In addition to the instantaneous measurement of sound levels, the duration of sound is important since sounds that occur over a long period of time are more likely to be an annoyance or cause direct physical damage or environmental stress. One of the most frequently used noise metrics that considers both duration and sound pressure level is the noise equivalent level (Leq). The Leq is defined as a single A-weighted level (or dBA value) that is equivalent to the amount of energy in the actual fluctuating levels sampled over a period of time. Typically, Leq is measured over a 1-hour period.

⁴ *Noble v. City of Palo Alto* (1928) 89 Cal. App. 47, 51.

⁵ 2 Cal. Code of Regs. ("FPPC Regs.") §§ 18700, *et seq.*

⁶ See Government Code § 82005 (the definition of "business entity" for purposes of the PRA does not include nonprofit entities).

⁷ FPPC Regs. § 18700.1 (definition of "source of income").

Generally, a doubling of sound energy is equivalent to an increase of 3 dB. A sound that is 10 dB more than the ambient sound level would result in a negligible increase (less than 0.5 dB) in total ambient sound levels. Because of the nature of the human ear, a sound must be about 10 dB greater than the reference sound to be judged as twice as loud. In general, a 3 dB change in community noise levels is noticeable, while changes of 1 to 2 dB are generally not perceived. Quiet suburban areas typically have noise levels in the 40 to 50 dBA range, while those along arterial streets are in the 50 to 60+ dBA range. Normal conversational levels are in the 60 to 65 dBA range, and ambient noise levels greater than that can interrupt conversations.

Noise levels typically attenuate at a rate of 6 dB per doubling of distance from point sources such as industrial machinery. Noise from lightly traveled roads typically attenuates at a rate of about 4.5 dB per doubling of distance. Noise from heavily traveled roads typically attenuates at about 3 dB per doubling of distance.

The time period in which noise occurs is also important since noise that occurs at night tends to be more disturbing than that which occurs during the daytime. To evaluate community noise on a 24-hour basis, the day-night average sound level (Ldn) was developed. Ldn is the average of all A-weighted levels for a 24-hour period with a 10 dB upward adjustment added to those noise levels occurring between 10:00 PM and 7:00 AM to account for the general increased sensitivity of people to nighttime noise levels.

The community noise equivalent level (CNEL) is identical to the Ldn with one exception. The CNEL adds 5 dB to evening noise levels (7:00 PM to 10:00 PM). Thus, both the Ldn and CNEL noise measures represent a 24-hour average of A-weighted noise levels with Ldn providing a nighttime adjustment and CNEL providing both an evening and nighttime adjustment.

While residential zones are near the proposed project site, the project itself is zoned O-P, which is a commercial zone designation. MPMC § 9.53.040 allows a 65 dBA in commercial zones between 7 a.m. and 10 p.m.; a maximum of 55 dBA between 10 p.m. and 7 a.m. Further, MPMC § 9.53.050 allows increases of 5 dBA for less than 15 minutes. According to Tables 8 through 11 of the Noise Analysis, the change in noise level for this project at all the monitored sites, including Site A, will be less than 5 dBA.

As shown in Tables 5 through 7 of the Noise Study, helicopters differ in approach and departure speeds. Once a ground speed of zero is reached, the helicopter begins a vertical descent to the heliport, which typically takes approximately 10 seconds. Once on the landing site surface, the helicopter undergoes a standard 2- to 3-minute turbine cool-down period for shutting down engines and rotors. Following the cool down, the helicopter either shuts down or initiates its departure procedure. Overall, the main noise producing portion of the helicopter approach would take less than 3 minutes and would not occur directly over existing residential or commercial uses. A condition of approval has also been added to prohibit helicopter idling on the rooftop. Overall, the total flight time – and consequent increase in dBA – will be less than 15 minutes.

Based upon the Planning Commission's comments, the flight path for helicopters was slightly shifted to avoid flying over almost all the office buildings within the Saturn Park

area. At Sites 1 and B the helicopter's travel distance along the flight path was reduced. The level of helicopter-generated noise levels would also decrease based upon the relative increase in lateral offset and slant distances between the sites and helicopter. Tables 8 through 11 and Figures 15 through 18 of the Noise Study were each modified to reflect the newly-modeled predicted SEL Lmax and Lday and Lnight and resultant noise exposure change values at each respective Site. The isopleth contours for the Figures were changed to reflect SEL Lmax values.

- Transmission lines

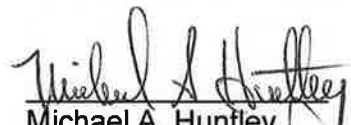
Based upon comments from the Planning Commission meeting, staff reviewed the location of SCE transmission lines. The closest transmission line beneath the proposed helicopter flights would be over 1,000 feet horizontally. This is not considered a flight hazard.

Moreover, unoccupied towers, elevator shafts, stairwells, light standards, skylights, and similar architectural features are typical features of almost all commercial and office buildings. These also are not considered flight hazards. For the project site, there are two existing penthouse areas where the roof mounted mechanical equipments are stored as well as access to the roof. Additional site photos and a radius map are provided to show the distance of the proposed heliport to adjacent properties.

- Flight altitudes

In 2017, the City Council amended MPMC Chapter 9.06 which purports to regulate flight altitudes. The City Council very plainly understood at that time that MPMC Chapter 9.06 was not enforceable; it was amended for symbolic purposes (see, September 6, 2017 City Council meeting video⁸; see also, Official Meeting Minutes for Item 5-B, September 6, 2017 [attached]). The Federal Aviation Administration regulates all commercial aircraft; the City does not have the legal authority to enforce MPMC Chapter 9.06. Accordingly, that Chapter is not considered as part of the Planning Commission's analysis.

Respectfully submitted,


Michael A. Huntley
Community and Economic
Development Director

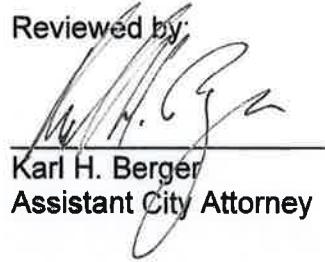
⁸ http://monterey-park.granicus.com/MediaPlayer.php?view_id=2&clip_id=720&meta_id=9148, Item 5-B, starting at 1:44:01.

Prepared by:



Samantha Tewasart
Senior Planner

Reviewed by:



Karl H. Berger
Assistant City Attorney

Attachments:

- 1 – Planning Commission Staff Report dated February 27, 2018
- 2 – Noise Analysis Technical Study (updated)
- 3 – Site and floor plans
- 4 – MPMC § 21.32.020 and Table 21.12(A)
- 5 – Planning Commissioner's Handbook excerpt
- 6 – Minutes from September 6, 2017 City Council meeting
- 7 – Pictures and site overviews
- 8 – Draft Resolution with Conditions of Approval



Planning Commission Staff Report

DATE: March 27, 2018

AGENDA ITEM NO: 4-A

TO: The Planning Commission
FROM: Michael A. Huntley, Community and Economic Development Director
SUBJECT: A Public Hearing to consider Tentative Map No. 73622 (TM-15-04) to subdivide one lot into 9 lots – 1585 Sombrero Avenue.

RECOMMENDATION:

It is recommended that the Planning Commission consider:

- (1) Opening and then continuing the public hearing for the requested Tentative Map No. 73622 (TM-15-04) to April 10, 2018; and
- (2) Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

Staff is requesting a continuation of the application to allow for additional time to further analyze the items that were discussed by the Planning Commission at the February 13, 2018 meeting, including stormwater and the alignment and angle of the private street.


Respectfully submitted,


Michael A. Huntley
Community and Economic
Development Director

Prepared by:


Samantha Tewasart
Senior Planner

Reviewed by:


Karl H. Berger
Assistant City Attorney